

REMARKS

Summary of the Office Action

- (1) Claims 56-57 and 86-87 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.
- (2) Claims 38-91 stand rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps.
- (3) Claims 38-58 and 90-91 stand rejected under 35 U.S.C. 101 because the limitations of the claims do not recite a technological art.
- (4) Claims 38-91 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shorter (US 2002/0198782).

Rejections Under 35 U.S.C. § 112

- (1) Claims 56-57 and 86-87 under 35 U.S.C. 112, first paragraph.

The basis of this rejection was the use of the limitation "a client can freely remove rights of usage of a hosted enterprise solution..." Applicant has amended the claims to remove the language that was the basis of this rejection. Accordingly, Applicant requests removal of the rejection.

- (2) Claims 38-91 stand rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps.

The basis of this rejection was that an essential step of "establishing or defining" the subscription fee is omitted. Applicant requests reconsideration of the rejection in view of the amendment to the claims. Specifically, note the use of a "host subscription fee" which belongs to the client, and the use of "a subscription fee for each partner" which is determined in a step.

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Another basis of this rejection was use of the term "if any". This term has been removed.

Rejections Under 35 U.S.C. § 101

While Applicant respectfully disagrees with the rejection, Applicant respectfully requests reconsideration of this rejection based on the amendment to the independent claims 38 and 90. Specifically, note that what is now being recited is a "computer-implemented" method.

Rejections Under 35 U.S.C. § 103

The Office Action rejects pending claims 38-91 of the application. Applicant respectfully requests reconsideration, particularly in view of the amendment to the claims. Specifically, the Examiner is directed to the step of "identifying at least a portion of the client's collaboration community" and the step of "identifying each partner in the collaboration community that is to become a subscriber". Both these steps recite non-descriptive, functional language requiring the presence of a client's collaboration community. Shorter does not teach or suggest the use of a collaboration community.

Among the reasons why Shorter is different, Shorter addresses a completely different problem than Applicant's invention. Applicant has identified and addressed the need for a client of a hosted enterprise solution to distribute the cost of a service provider to the client's collaboration community. This is in a situation where the partners that comprise the collaboration community use or receive the benefit of the hosted enterprise solution from the client. A method such as recited enables the client to more efficiently distribute its cost of carrying the hosted enterprise solution to those in the collaboration community who use it. Under a typical prior art scenario, such costs are indiscriminately distributed to the client's expenses. The result of this prior art practice is that the partners in the collaboration community who are in need, and thus more willing to pay a portion of the cost of the hosted enterprise

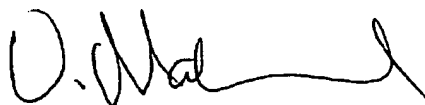
solution, receive a windfall benefit, in that the cost of the hosted enterprise solution is distributed indiscriminately to parties who receive no benefit from the solution. This often includes the client's customers, who should carry the least amount of burden for the solution.

Applicant has recognized and addressed the specific problem of cost-sharing in a collaboration community. The recognition and solution provided make a patentable distinction over Shorter, which addresses an entirely different problem. In the words of the Examiner, Shorter teaches a customer-retention policy that provides incentives to a customer on a monthly on-going basis. Assuming this description is accurate, the problem addressed by Shorter is different than what Applicant seeks to address. The solution presented by Applicant is also different, as indicated by the two steps recited in the preceding paragraph. Shorter has no need for a collaboration community.

The remaining independent claims pending with this application address the same issues and problems, and affirmatively utilize "collaboration community" in a manner that distinguishes them from the cited references. For this reason, Applicant believes the application is in condition for allowance.

The Applicant respectfully requests that the Examiner enter this Response, (re)consider the pending claims and issue a Notice of Allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, the Applicant requests that the Examiner telephone the undersigned at the number below.

Submitted by,



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SHEMWELL GREGORY & COURTNEY

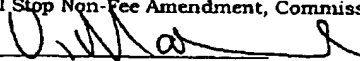
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July 12, 2004, by



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